

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

Christopher S. McDaniel,)	
)	
Plaintiff,)	
)	
v.)	No. 2:16-CV-4243 NKL
)	
George Lombardi, in his official capacity as)	
Director of the Missouri Department of)	
Corrections,)	
)	
Defendant.)	

JOINT PROPOSED SCHEDULING PLAN

Come now the Parties, by and through their attorneys, and respectfully submit a Joint Proposed Scheduling Plan pursuant to this Court's Order of December 30, 2016, ECF No. 23.¹

I. Scheduling Plan:

A. Expert witnesses

Neither party anticipates using expert testimony at trial. If any party determines that he will use expert testimony at trial, he shall disclose the expert witness(es) and shall provide the reports required by Federal Rule of Civil Procedure 26(a)(2), no later than March 3, 2017. Any expert so disclosed shall be made available for deposition no later than March 10, 2017. If any party designates an expert witness, the opposing party may

¹ On January 10, 2017, Defendant filed in the Court of Appeals a motion to stay proceedings in this court pending his appeal from the denial of Eleventh Amendment immunity. Pursuant to Federal Rule of Appellate Procedure Rule 27(a)(3)(A), Plaintiff's response is due January 20, 2017. Defendant advises the Court that Defendant's participation in the Joint Proposed Scheduling Plan should not be understood as a waiver of his motion for a stay for all the reasons stated in the motion filed with the Eighth Circuit, as well as the reasons filed in Doc. 15.

disclose an expert witness with respect to the same topic or topics and provide the reports required by Federal Rule of Civil Procedure 26(a)(2) no later than April 7, 2017. Any expert so disclosed shall be made available for deposition no later than April 14, 2017.

B. Discovery

1. The parties shall complete all discovery in this case no later than June 9, 2017.

C. Dispositive Motions

Motions to dismiss or dispositive motions of any type must be filed no later than June 30, 2017. Any response shall be filed within twenty-one calendar days. Any reply shall be filed within seven calendar days after the response.

D. Trial

The parties anticipate that this matter will be ready for a bench trial on October 1, 2017. Trial is expected to last one day.

Respectfully Submitted,

/s/ Anthony
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Defendant

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A Attorneys for

Attorney for
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by operation of the Court CM/ECF system upon counsel for each party on January 13, 2017.

/s/ Anthony E. Rothert